

Practitioner **Docket No. US 015531-8**

fn
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Andreas BRUNNER, et al.**
Application No.: **10/517,756** Group No.: **1634**
Filed: **August 2, 2005** Examiner: **F. Lu**
For: **IDENTIFICATION OF TISSUE/CELL SPECIFIC MARKER GENES AND USE THEREOF**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: Director, Group 1634

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))

NOTE: *If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8th ed.*

WARNING: *If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.*

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee" Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, to **(571)-273-8300**

Date: October 15, 2007

Signature 

William R. Evans

(type or print name of person certifying)

** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

(complete the following item, if appropriate)

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)
☒ assignee of the entire interest

is Millenium Biologix AG
Wagistrasse 23, CH-8952 Schileren, Switzerland

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) _____(iv)_____.

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return ☒ Addressee cannot be found at given address."

(add additional page(s), as required for explanation)

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due *(if any)*

- (i) ☐ There is no outstanding term for response.
- (ii) ☒ There is an outstanding term for response that is set to expire on October 20, 2007. The above term is extendible under 37 C.F.R. 1.136(a), until March 20, 2007 and the fees for such extension
- ☐ are
- ☒ are not
- being submitted herewith.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. 1.136(a), is:

☒ at least 5 months.

☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. 10.40(a), a copy of this request, including attachments, is being sent to the assignee.

A copy of the letter to the assignee is attached.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. 10.40(a).

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . ." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☐ inventor:
- ☐ assignee:
- ☐ common representative:

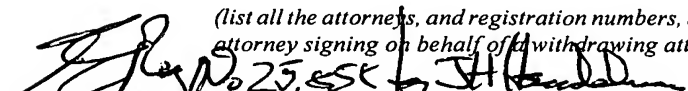
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))

NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed. rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

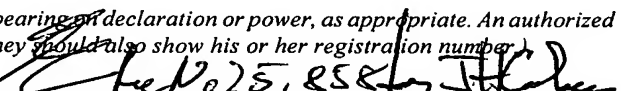
(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)


Signature of withdrawing attorney

JOSEPH H. HANDELMAN, 26179
name and registration number of withdrawing attorney

Signature of withdrawing attorney

JOHN RICHARDS, 31053
name and registration number of withdrawing attorney


Signature of withdrawing attorney

JULIAN H. COHEN, 20302
name and registration number of withdrawing attorney

Signature of withdrawing attorney

WILLIAM R. EVANS, 25858
name and registration number of withdrawing attorney

Signature of withdrawing attorney

JANET I. CORD, 33778
name and registration number of withdrawing attorney

Signature of withdrawing attorney

CLIFFORD J. MASS, 30086
name and registration number of withdrawing attorney

Signature of withdrawing attorney

STEVEN I. WALLACH, 35402
name and registration number of withdrawing attorney

PETER D. GALLOWAY, 27885
name and registration number of withdrawing attorney

Signature of withdrawing attorney

RICHARD P. BERG, 28145
name and registration number of withdrawing attorney

Reg. No.:

Tel. No.: ()

Customer No.:



SIGNATURE OF PRACTITIONER

William R. Evans, 25858, (212) 708-1930

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023



Evans, William

From: Evans, William
Sent: Thursday, September 27, 2007 10:17 AM
To: Villapol, Joseph
Cc: Pardo, Pat
Subject: FW: patent applications of Millenium Biologix AG

From: Siegfried Grimm[SMTP:sgrimm@eblum.ch]
Sent: Thursday, September 27, 2007 10:08 AM
To: WEvans@ladas.com; nymail@ladas.com
Subject: patent applications of Millenium Biologix AG

Dear Colleagues:

We have been notified that our Client, Millenium Biologix AG, Schlieren, Switzerland has become a bankrupt. Thus, we will not attend to any further steps in relation to the patent applications
our ref. 06854US01; SN10/517496; your ref. U015530-0
our ref. 06855US01; SN10/517756; your ref. U015531-8
our ref. 06856US01; SN10/517497; your ref. U015529-5 ✓

You may wish sending further correspondance to
Millenium Biologix Corp. Canada
Branch office Zurich,
Wagistrasse 23
8952 Zürich
Switzerland

Best regards

Siegfried Grimm

--
E.Blum & Co. AG
Patent- & Markenanwälte
Dr. Siegfried Grimm

Vorderberg 11, CH 8044 Zurich
Tel.: ++ 41 43 2225600
Fax.: ++ 41 43 2225601
mail: Sgrimm@EBlum.ch

Die Information in dieser e-mail Nachricht und in deren Anhängen ist vertraulich und nur für den Adressaten bestimmt. Haben Sie diese Nachricht irrtümlich erhalten, so löschen Sie diese bitte samt Anhängen und informieren Sie den Absender per e-mail. Besten Dank !

The information in this e-mail and any attachments is confidential and is intended for the addressee only. It may be attorney-client privileged. Copying, disclosure or use by anybody else is not authorized. If you are not the intended recipient, please delete this message and any attachments and alert the sender by return e-mail. Thank you !

LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW



26 West 61st Street • New York, New York 10023-7604
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

September 28, 2007

REGISTERED MAIL

Millenium Biologix AG
Wagistrasse 23
CH-8952 Schlieren
Switzerland

Dear Sirs:

Re: FULDE - U.S.S.N. 10/517,497 - OUREF: U 015529-5 - BLUM'S REF: 06856US1
ORAM - U.S.S.N. 10/517,496 - OUREF: U 015530-0 - BLUM'S REF: 06854US1
BRUNNER - U.S.S.N. 10/517,756 - OUREF: U 015531-8 - BLUM'S REF: 06855US1

As US attorneys for the above applications, we have an obligation to protect your rights in the application.

However, we have been advised that financial considerations make it likely that these applications will be abandoned.

In order to relieve us of our obligation, please confirm that the applications are to be abandoned or send us instructions of the way you intend to continue them.

As application 10/517,497 (our ref: U 015529-5) has a pending Action on which monthly graduated extension fees are due for a Response by December (25) 26, 2007, and we must obtain approval of the Patent Office of withdrawal from our obligation to you thirty days in advance thereof, we must apply for such withdrawal, if necessary, as soon as possible, because the Patent Office is slow to act on such requests. Therefore, if we do not have your confirmation or instructions by October 25, 2007, we will be forced to request our withdrawal from the applications.

Very truly yours,

Clifford J. Mass

CJM/cy

cc: E. Blum & Co. (By fax + 41 43 2225601)

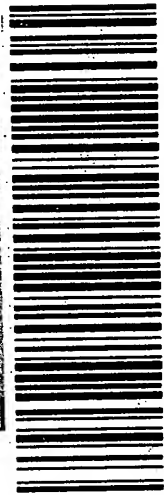


LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW
AT LINCOLN CENTER
26 WEST 61st STREET
NEW YORK, N.Y. 10023

Zurück / Retour / Ritorno

☒ Empfänger konnte unter angegebener Adresse nicht ermittelt werden.
Le destinataire est introuvable à l'adresse indiquée.
Il destinatario è irraggiungibile all'indirizzo indicato.

- ☐ Firma entzogen / Raison sociale n'existe plus / Dito assente
☐ Weggezogen. Nachbenderfrist abgelaufen.
A démenagé. Délai de réexpédition expiré.
Traslocato. Termine di spedizione scaduto.
☐ Gestorben / Deceduto



RB 78J 47J 15J US

Label 200, July 1999 (102595) 99-M-1904



0000

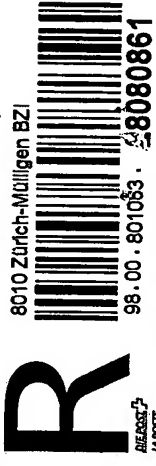
U.S. POSTAGE
PAID
NEW YORK, NY
10023
SEP 28, 1997
AMOUNT

\$0.00
00010294-03



VIA AIR MAIL

*Millennium Biologix AG
Wagstrasse 23
CH-8962 Schönen*



Recommandé Suisse 236.76 (220080)



LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW

William R. Evans



wevans@ladas.com

212.708.1930

26 West 61st Street • New York, New York 10023-7604
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

October 15, 2007

AIR MAIL

Millenium Biologix AG
Wagistrasse 23
CH-8952 Schlieren, Switzerland

Dear Sirs:

RE: Andreas BRUNNER, et al.
MILLENIUM BIOLOGIX AG)
U. S. Patent Appln. 10/517,756
E. Blum Ref.: 06855US1
Our Ref.: U 015531-8

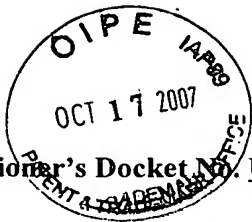
Our letter requesting instructions for responding to the Action on the above application has been returned to us as indicated in the attached copy of the Request for Withdrawal as Attorney that such return has forced us to file.

If this letter reaches you and you wish to make response, please do so at once.

Very truly yours,

William R. Evans

WRE:os



Practitioner's Docket No. U 015531-8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Andreas BRUNNER, et al.**

Application No.: **10/517,756**

Group No.: **1634**

Filed: **August 2, 2005**

Examiner: **F. Lu**

For: **IDENTIFICATION OF TISSUE/CELL SPECIFIC MARKER GENES AND USE THEREOF**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Director, Group 1634

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))

NOTE: *If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8th ed.*

WARNING: *If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.*

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

- ☒ with sufficient postage as first class mail.



as "Express Mail Post Office to Address"

Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office. to **(571)-273-8300**

Date: October 15, 2007

Signature

William R. Evans

(type or print name of person certifying)

** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

(complete the following item, if appropriate)

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)
☒ assignee of the entire interest

is Millenium Biologix AG
Wagistrasse 23, CH-8952 Schileren, Switzerland .

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) _____(iv)_____.

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return ☒ Addressee cannot be found at given address."

(add additional page(s), as required for explanation)

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due *(if any)*

- (i) ☐ There is no outstanding term for response.
- (ii) ☒ There is an outstanding term for response that is set to expire on October 20, 2007. The above term is extendible under 37 C.F.R. 1.136(a), until March 20, 2007 and the fees for such extension
- ☐ are
- ☒ are not
- being submitted herewith.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. 1.136(a), is:

☒ at least 5 months.

☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. 10.40(a), a copy of this request, including attachments, is being sent to the assignee.

A copy of the letter to the assignee is attached.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. 10.40(a).

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . ." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☐ inventor:
☐ assignee:
☐ common representative:

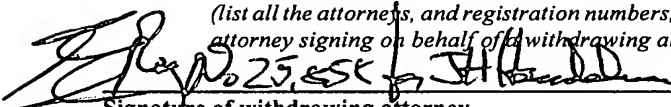
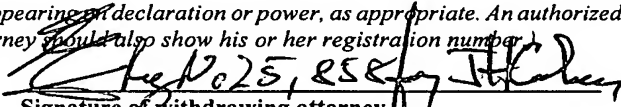
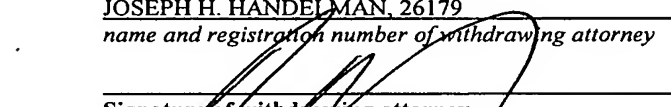
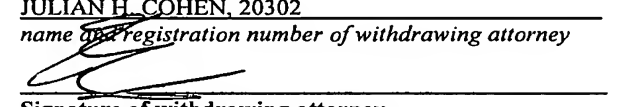
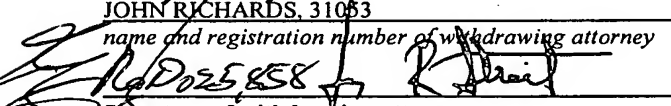
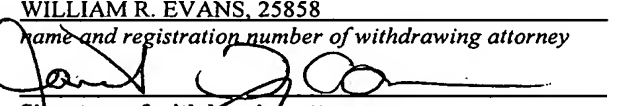
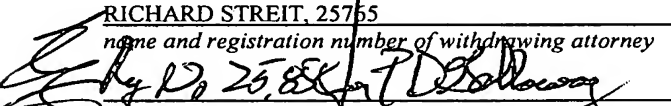
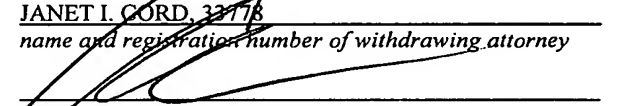
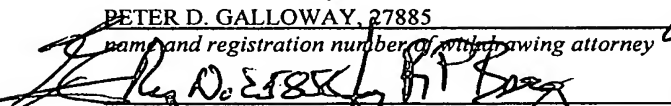
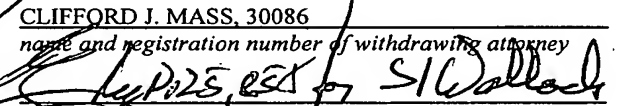
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))

NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed. rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)

 Signature of withdrawing attorney <u>JOSEPH H. HANDELMAN, 26179</u> name and registration number of withdrawing attorney	 Signature of withdrawing attorney <u>JULIAN H. COHEN, 20302</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney <u>JOHN RICHARDS, 31053</u> name and registration number of withdrawing attorney	 Signature of withdrawing attorney <u>WILLIAM R. EVANS, 25858</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney <u>RICHARD STREIT, 25755</u> name and registration number of withdrawing attorney	 Signature of withdrawing attorney <u>JANET I. CORD, 33778</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney <u>PETER D. GALLOWAY, 27885</u> name and registration number of withdrawing attorney	 Signature of withdrawing attorney <u>CLIFFORD J. MASS, 30086</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney <u>RICHARD P. BERG, 28145</u> name and registration number of withdrawing attorney	 Signature of withdrawing attorney <u>STEVEN I. WALLACH, 35402</u> name and registration number of withdrawing attorney

Reg. No.:

Tel. No.: ()

Customer No.:



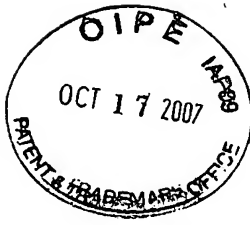
SIGNATURE OF PRACTITIONER

William R. Evans, 25858, (212) 708-1930

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023



Evans, William

From: Evans, William
Sent: Thursday, September 27, 2007 10:17 AM
To: Villapol, Joseph
Cc: Pardo, Pat
Subject: FW: patent applications of Millenium Biologix AG

From: Siegfried Grimm[SMTP:sgrimm@eblum.ch]
Sent: Thursday, September 27, 2007 10:08 AM
To: WEvans@ladas.com; nymail@ladas.com
Subject: patent applications of Millenium Biologix AG

Dear Colleagues:

We have been notified that our Client, Millenium Biologix AG, Schlieren, Switzerland has become a bankrupt. Thus, we will not attend to any further steps in relation to the patent applications
our ref. 06854US01; SN10/517496; your ref. U015530-0
our ref. 06855US01; SN10/517756; your ref. U015531-8
our ref. 06856US01; SN10/517497; your ref. U015529-5 ✓

You may wish sending further correspondance to
Millenium Biologix Corp. Canada
Branch office Zurich,
Wagistrasse 23
8952 Zurich
Switzerland

Best regards

Siegfried Grimm

--
E.Blum & Co. AG
Patent- & Markenanwälte
Dr. Siegfried Grimm

Vorderberg 11, CH 8044 Zurich
Tel.: ++ 41 43 2225600
Fax.: ++ 41 43 2225601
mail: Sgrimm@EBlum.ch

Die Information in dieser e-mail Nachricht und in deren Anhängen ist vertraulich und nur für den Adressaten bestimmt. Haben Sie diese Nachricht irrtümlich erhalten, so löschen Sie diese bitte samt Anhängen und informieren Sie den Absender per e-mail. Besten Dank !

The information in this e-mail and any attachments is confidential and is intended for the addressee only. It may be attorney-client privileged. Copying, disclosure or use by anybody else is not authorized. If you are not the intended recipient, please delete this message and any attachments and alert the sender by return e-mail. Thank you !



LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW



26 West 61st Street • New York, New York 10023-7604
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

September 28, 2007

REGISTERED MAIL

Millenium Biologix AG
Wagistrasse 23
CH-8952 Schlieren
Switzerland

Dear Sirs:

Re: FULDE - U.S.S.N. 10/517,497 - OUREF: U 015529-5 - BLUM'S REF: 06856US1
ORAM - U.S.S.N. 10/517,496 - OUREF: U 015530-0 - BLUM'S REF: 06854US1
BRUNNER - U.S.S.N. 10/517,756 - OUREF: U 015531-8 - BLUM'S REF: 06855US1

As US attorneys for the above applications, we have an obligation to protect your rights in the application.

However, we have been advised that financial considerations make it likely that these applications will be abandoned.

In order to relieve us of our obligation, please confirm that the applications are to be abandoned or send us instructions of the way you intend to continue them.

As application 10/517,497 (our ref: U 015529-5) has a pending Action on which monthly graduated extension fees are due for a Response by December (25) 26, 2007, and we must obtain approval of the Patent Office of withdrawal from our obligation to you thirty days in advance thereof, we must apply for such withdrawal, if necessary, as soon as possible, because the Patent Office is slow to act on such requests. Therefore, if we do not have your confirmation or instructions by October 25, 2007, we will be forced to request our withdrawal from the applications.

Very truly yours,

Clifford J. Mass

CJM/cy

cc: E. Blum & Co. (By fax + 41 43 2225601)



LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW
AT LINCOLN CENTER
26 WEST 61st STREET
NEW YORK, N.Y. 10023

Zurück / Retour / Ritorno

☒ Empfänger konnte unter angegebener Adresse nicht ermittelt werden.
Le destinataire est introuvable à l'adresse indiquée.
Il destinatario è irreperibile all'indirizzo indicato.

- ☐ Firma erhalten / Raison sociale reçue plus d'ordre expéditeur
- ☐ Weggelesen, Nachsendefrist abgelaufen.
- ☐ A démenagé. Délai de réexpédition expiré.
- ☐ Traslocato. Termine di ripescizione scaduto.
- ☐ Gestorben / Décédé / Deceduto



RB 781 471 151 US

Label 200, July 1999

(102595) 99-M-1904

U.S. POSTAGE
PAID
NEW YORK, NY
10023
SEP 28 1997
AMOUNT

\$0.00
00010294-03



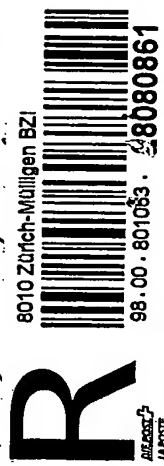
0000



02 1P
\$13.20⁰⁰
0002399549 SEP 28 2007
MAILED FROM ZIP CODE 10023

VIA AIR MAIL

*Millennium Biologix AG.
Wagstrasse 23
CH-8962 Schönen*

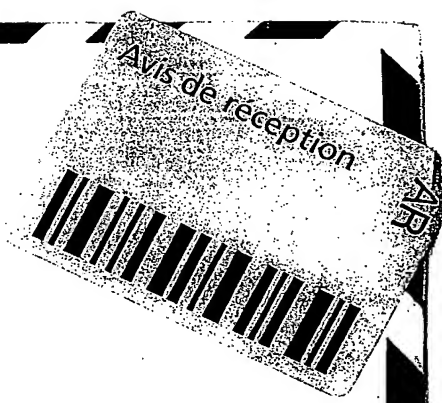


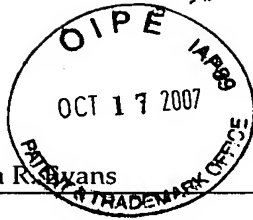
8010 Zürich-Mülligen BZI

98.00 • 801083 • 28080861

Recommandé Suisse

236.76 (220 080)





LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW

William R. Evans



wevans@ladas.com

212.708.1930

26 West 61st Street • New York, New York 10023-7604

P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

October 15, 2007

AIR MAIL

Millenium Biologix AG
Wagistrasse 23
CH-8952 Schlieren, Switzerland

Dear Sirs:

RE: Andreas BRUNNER, et al.
MILLENIUM BIOLOGIX AG)
U. S. Patent Appln. 10/517,756
E. Blum Ref.: 06855US1
Our Ref.: U 015531-8

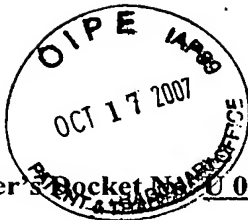
Our letter requesting instructions for responding to the Action on the above application has been returned to us as indicated in the attached copy of the Request for Withdrawal as Attorney that such return has forced us to file.

If this letter reaches you and you wish to make response, please do so at once.

Very truly yours,

William R. Evans

WRE:os



Practitioner's Pocket Nameplate U 015531-8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andreas BRUNNER, et al.

Application No.: 10/517,756

Group No.: 1634

Filed: August 2, 2005

Examiner: F. Lu

For: IDENTIFICATION OF TISSUE/CELL SPECIFIC MARKER GENES AND USE THEREOF

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Director, Group 1634

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. 10.40(c))

NOTE: If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8th ed.

WARNING: If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

- ☒ with sufficient postage as first class mail.



as "Express Mail Post Office to Address"

Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: October 15, 2007

Signature

William R. Evans

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. 1.36.

(complete the following item, if appropriate)

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)
☒ assignee of the entire interest

is Millenium Biologix AG
Wagistrasse 23, CH-8952 Schileren, Switzerland .

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) _____(iv)_____.

Explanation (including brief description of exhibits, if any):

Copy of e-mail of September 27, 2007 informing of assignee's bankruptcy.

Copy of letter of September 28, 2007 to assignee.

Copy of envelope returning letter of September 28, 2007, with PostMail sticker marked, in English translation of the Swiss (German) "Return ☒ Addressee cannot be found at given address."

(add additional page(s), as required for explanation)

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due (*if any*)

- (i) ☐ There is no outstanding term for response.
- (ii) ☒ There is an outstanding term for response that is set to expire on October 20, 2007. The above term is extendible under 37 C.F.R. 1.136(a), until March 20, 2007 and the fees for such extension
- ☐ are
- ☒ are not
- being submitted herewith.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. 1.136(a), is:

☒ at least 5 months.

☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. 10.40(a), a copy of this request, including attachments, is being sent to the assignee.

A copy of the letter to the assignee is attached.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. 10.40(a).

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies). . ." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☐ inventor:
☐ assignee:
☐ common representative:

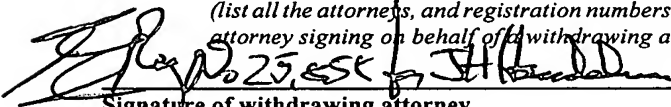
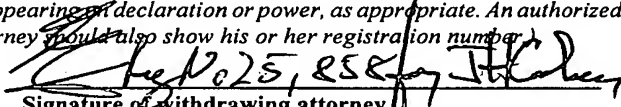
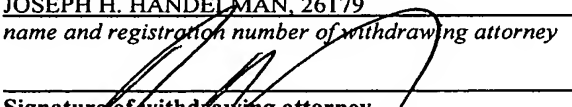
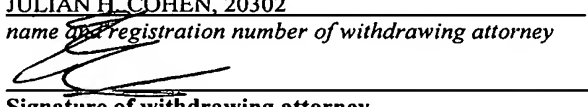
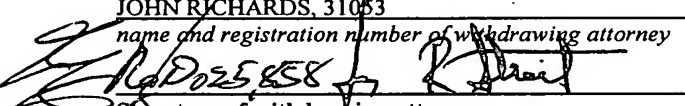
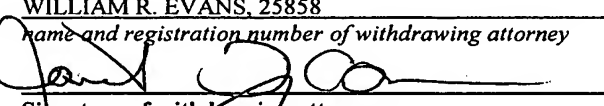
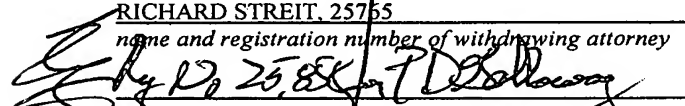
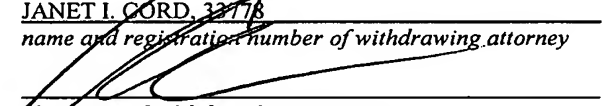
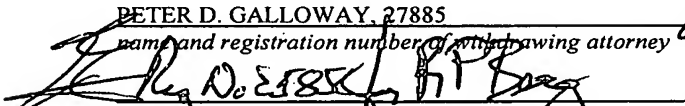
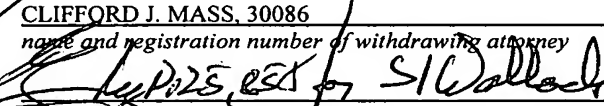
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))

NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed. rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)

 Signature of withdrawing attorney	 Signature of withdrawing attorney
<u>JOSEPH H. HANDELMAN, 26179</u> name and registration number of withdrawing attorney	<u>JULIAN H. COHEN, 20302</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney	 Signature of withdrawing attorney
<u>JOHN RICHARDS, 31053</u> name and registration number of withdrawing attorney	<u>WILLIAM R. EVANS, 25858</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney	 Signature of withdrawing attorney
<u>RICHARD STREIT, 25765</u> name and registration number of withdrawing attorney	<u>JANET I. CORD, 32778</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney	 Signature of withdrawing attorney
<u>PETER D. GALLOWAY, 27885</u> name and registration number of withdrawing attorney	<u>CLIFFORD J. MASS, 30086</u> name and registration number of withdrawing attorney
 Signature of withdrawing attorney	 Signature of withdrawing attorney
<u>RICHARD P. BERG, 28145</u> name and registration number of withdrawing attorney	<u>STEVEN I. WALLACH, 35402</u> name and registration number of withdrawing attorney

Reg. No.:

Tel. No.: ()

Customer No.:



SIGNATURE OF PRACTITIONER

William R. Evans, 25858, (212) 708-1930

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023



Evans, William

From: Evans, William
Sent: Thursday, September 27, 2007 10:17 AM
To: Villapol, Joseph
Cc: Pardo, Pat
Subject: FW: patent applications of Millenium Biologix AG

From: Siegfried Grimm[SMTP:sgrimm@eblum.ch]
Sent: Thursday, September 27, 2007 10:08 AM
To: WEvans@ladas.com; nymail@ladas.com
Subject: patent applications of Millenium Biologix AG

Dear Colleagues:

We have been notified that our Client, Millenium Biologix AG, Schlieren, Switzerland has become a bankrupt. Thus, we will not attend to any further steps in relation to the patent applications
our ref. 06854US01; SN10/517496; your ref. U015530-0
our ref. 06855US01; SN10/517756; your ref. U015531-8
our ref. 06856US01; SN10/517497; your ref. U015529-5 ✓

You may wish sending further correspondance to
Millenium Biologix Corp. Canada
Branch office Zurich,
Wagistrasse 23
8952 Zürich
Switzerland

Best regards

Siegfried Grimm

--
E.Blum & Co. AG
Patent- & Markenanwälte
Dr. Siegfried Grimm

Vorderberg 11, CH 8044 Zurich
Tel.: ++ 41 43 2225600
Fax.: ++ 41 43 2225601
mail: Sgrimm@EBlum.ch

Die Information in dieser e-mail Nachricht und in deren Anhängen ist vertraulich und nur für den Adressaten bestimmt. Haben Sie diese Nachricht irrtümlich erhalten, so löschen Sie diese bitte samt Anhängen und informieren Sie den Absender per e-mail. Besten Dank !

The information in this e-mail and any attachments is confidential and is intended for the addressee only. It may be attorney-client privileged. Copying, disclosure or use by anybody else is not authorized. If you are not the intended recipient, please delete this message and any attachments and alert the sender by return e-mail. Thank you !

LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW



26 West 61st Street • New York, New York 10023-7604
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

September 28, 2007

REGISTERED MAIL

Millenium Biologix AG
Wagistrasse 23
CH-8952 Schlieren
Switzerland

Dear Sirs:

Re: FULDE - U.S.S.N. 10/517,497 - OUREF: U 015529-5 - BLUM'S REF: 06856US1
ORAM - U.S.S.N. 10/517,496 - OUREF: U 015530-0 - BLUM'S REF: 06854US1
BRUNNER - U.S.S.N. 10/517,756 - OUREF: U 015531-8 - BLUM'S REF: 06855US1

As US attorneys for the above applications, we have an obligation to protect your rights in the application.

However, we have been advised that financial considerations make it likely that these applications will be abandoned.

In order to relieve us of our obligation, please confirm that the applications are to be abandoned or send us instructions of the way you intend to continue them.

As application 10/517,497 (our ref: U 015529-5) has a pending Action on which monthly graduated extension fees are due for a Response by December (25) 26, 2007, and we must obtain approval of the Patent Office of withdrawal from our obligation to you thirty days in advance thereof, we must apply for such withdrawal, if necessary, as soon as possible, because the Patent Office is slow to act on such requests. Therefore, if we do not have your confirmation or instructions by October 25, 2007, we will be forced to request our withdrawal from the applications.

Very truly yours,

Clifford J. Mass

CJM/cy
cc: E. Blum & Co. (By fax + 41 43 2225601)

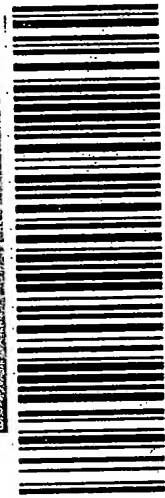


LADAS & PARRY LLP
 INTELLECTUAL PROPERTY LAW
 AT LINCOLN CENTER
 26 WEST 61st STREET
 NEW YORK, N.Y. 10023

Zurück/Retour/Ritorno

☒ Empfänger konnte unter angegebener Adresse nicht ermittelt werden.
 La destinataire est introuvable à l'adresse indiquée.
 Il destinatario è irreperibile all'indirizzo indicato.

- ☐ Firma einsetzen/Adressen soziale n'edite plus/Ditta oscar
- ☐ Weggezogen, Nachsendefrist abgelaufen.
- ☐ A démissionné. Délai de réexpédition expiré.
- ☐ Tradotto. Termine di spedizione scaduto.
- ☐ Gestorchen/Deceduto/Deceduto



RB 781 471 151 US

Label 200, July 1999 (102595) 99-M-1904

U.S. POSTAGE
 PAID
 NEW YORK, NY
 SEP 28, 1997
 AMOUNT

\$0.00
 00010294-03



0000

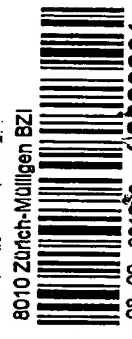


02 1P
\$13.20
 0002399549 SEP 28 2007
 MAILED FROM ZIP CODE 10023



VIA AIR MAIL

*Millennium Biologix AG
 Wagerstrasse 23
 CH-8952 Schönen*



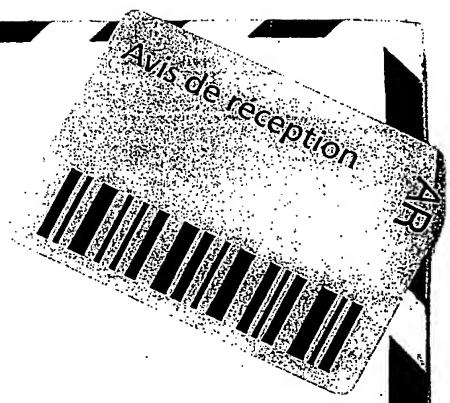
8010 Zurich-Mulligen BZI

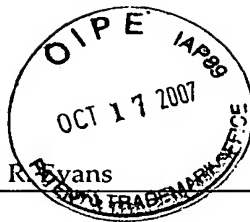
98.00 - 801083 - 28080861

Recommandé Suisse 236.75 (220 080)



REPOST-
 LAPOSTE
 LAPOSTA





LADAS & PARRY LLP
INTELLECTUAL PROPERTY LAW

William R. Evans



wevans@ladas.com

212.708.1930

26 West 61st Street • New York, New York 10023-7604
P 212.708.1800 • F 212.246.8959 • F 212.246.8925 • nymail@ladas.com • www.ladas.com

October 15, 2007

AIR MAIL

Millenium Biologix AG
Wagistrasse 23
CH-8952 Schlieren, Switzerland

Dear Sirs:

RE: Andreas BRUNNER, et al.
MILLENIUM BIOLOGIX AG)
U. S. Patent Appln. 10/517,756
E. Blum Ref.: 06855US1
Our Ref.: U 015531-8

Our letter requesting instructions for responding to the Action on the above application has been returned to us as indicated in the attached copy of the Request for Withdrawal as Attorney that such return has forced us to file.

If this letter reaches you and you wish to make response, please do so at once.

Very truly yours,

William R. Evans

WRE:os